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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,784	09/29/2003	Takehiro Nakamura	15689.49.3	3004
22913	7590 11/14/2006		EXAM	INER
WORKMA	N NYDEGGER	KIM, KEVIN		
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60 EAST SOUTH TEMPLE			ART UNIT	PAPER NUMBER
1000 EAGL	E GATE TOWER	2611		
SALT LAKE CITY, UT 84111			DATE MAILED: 11/14/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summer	10/673,784	NAKAMURA ET AL.				
Office Action Summary	Examiner	Art Unit				
	Kevin Y. Kim	2611				
The MAILING DATE of this communication app Period for Reply	,					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNIC 36(a). In no event, however, may a re will apply and will expire SIX (6) MON' e, cause the application to become AB.	CATION. sply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 29 September 2003 and 18 October 2005.						
2a) ☐ This action is FINAL . 2b) ☑ This	This action is FINAL . 2b)⊠ This action is non-final.					
· — , ,						
closed in accordance with the practice under b	Ex parte Quayle, 1935 C.D	. 11, 453 O.G. 213.				
Disposition of Claims		et e				
4)⊠ Claim(s) <u>5-11</u> is/are pending in the application.						
•	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.	i) Claim(s) is/are allowed.					
	Claim(s) <u>5-11</u> is/are rejected.					
•	Claim(s) is/are objected to. Claim(s) are subject to restriction and/or election requirement.					
6) Claim(s) are subject to restriction and/c	of election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>29 September 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
The bath of declaration is objected to by the Examiner. Note the attached office Action of form 1.10.102.						
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No. 09/403,161.						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
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Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		Summary (PTO-413) s)/Mail Date				
3) Notice of Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application						
Paper No(s)/Mail Date	6)	·				

U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06) Application/Control Number: 10/673,784

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 3. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esmailzadeh (US 6,259,724) in view of Dent (US 5,670,964).

Esmailzadeh discloses a communication system comprising a base station (12) and a mobile station (16) and a method thereof, comprising;

measurement means/step at the base station for measuring uplink interference, transmission means/step for transmitting information on the measured interference to the mobile station,

reception means/step at the mobile station for receiving the information,

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decision means/step for deciding initial transmission power when accessing the base station based on the received information regarding the interference power, and random access means/step for conducting random access means to the base station at the initial transmission power.

See col. 4, lines 7-35.

However, Esmailzadeh fails to teach transmitting information about the transmission power of a perch channel from by the base station to the mobile station such that the information about the transmission power, as well as the information about the uplink interference, is used by the mobile station in determining the initial transmission power.

Dent teaches the base station transmitting a broadcast signal, i.e., a perch channel, including information about its transmission power such that a mobile station can estimate the propagation loss and subsequently determines an appropriate transmitter power level in making a first transmission to the base station. See col. 11, lines 15-32.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to configure the base station of Esmailzadeh to additionally send information about its transmission power so that a mobile station can determine an optimum transmitter power level in making a first transmission to the base station based on the base station transmission power as well as uplink interference information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 12, 2006

AU 2611

KEVIN KIM
PRIMARY PATENT EXAMINER

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